

EXHIBIT A

STATE-COURT ACTION FILE



State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Cas 02 Date of Filing: 04/07/2022	02-CV-2022-900348.00 CIRCUIT COURT OF MOBILE COUNTY, ALABAMA JOJO SCHWARZAUER, CLERK Judge Code:
GENERAL INFORMATION			
IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA CLARENCE L. ROBERTS ET AL v. BENTARIUS FONTA STEWART ET AL			
First Plaintiff: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		First Defendant: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other	
NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:			
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input checked="" type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____		OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> EPFA - Elder Protection From Abuse <input type="checkbox"/> QTLB - Quiet Title Land Bank <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
TORTS: PERSONAL INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property			
OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Service			
ORIGIN: F <input checked="" type="checkbox"/> INITIAL FILING R <input type="checkbox"/> REMANDED		A <input type="checkbox"/> APPEAL FROM DISTRICT COURT T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT	
HAS JURY TRIAL BEEN DEMANDED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)	
RELIEF REQUESTED: <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED			
ATTORNEY CODE: KIT008		4/7/2022 9:17:25 AM Date	
		/s/ William Bradford Kittrell Signature of Attorney/Party filing this form	
MEDIATION REQUESTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDECIDED			
Election to Proceed under the Alabama Rules for Expedited Civil Actions:		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

**CLARENCE L. ROBERTS and
ARKYLA MILLER**

Plaintiffs,

v.

**BENTARIUS FONTA STEWART;
UNLIMITED DELIVERIES LLC**

d/b/a MK-TRUCKING 1-10; the person(s), firm(s), or corporation(s) who operated and/or controlled the commercial truck and trailer that contributed to injure Clarence L. Roberts at the times made the basis of this suit; **11-20**, the person(s), firm(s) or corporation(s) who was or were the principal, master or employer of Bentarius Fonta Stewart and/or 1-10, who operated and/or controlled the commercial truck and trailer that contributed to injure Clarence L. Roberts at the times made the basis of this suit; **21-30**, the person(s), firm(s), corporation(s) or other entities who, at the time of the crash made the basis of this suit, was or were the owner(s) of the commercial vehicle being operated by Bentarius Fonta Stewart; **31-40**, the person(s), firm(s) corporation(s) or other entities who was or were responsible for hiring, retaining, monitoring and/or supervising Bentarius Fonta Stewart and/or fictitious defendants 1-10; **41-50**, the person(s), firm(s) or corporation(s) or other entities who negligently trained, educated, supervised and/or monitored Bentarius Fonta Stewart who operated and/or controlled the commercial truck

Civil Action No.: CV-2022-
**PLAINTIFFS REQUESTS A
TRIAL BY JURY**

and trailer that contributed to injure *
 Clarence L. Roberts at the times made *
 the basis of this suit; **51-60**, the *
 person(s), firm(s) or corporation(s) *
 responsible for qualifying and/or *
 training Bentarius Fonta Stewart *
 and/or fictitious defendants 1-10, *
 in Federal Motor Carrier Safety *
 Regulation Compliance, operating *
 a commercial truck and trailer, *
 truck maintenance, and/or *
 commercial truck and trailer *
 responsibilities; **61-70**, the person(s), *
 firm(s) or corporation(s) responsible *
 for and who did in fact assist or *
 contribute in any way to tortious *
 conduct made the basis of this suit; *
 all of whose true names and legal *
 identities are otherwise unknown *
 to the Plaintiffs but who will be *
 substituted by amendment when *
 ascertained, separately and *
 severally, *
 *
 Defendants. *

COMPLAINT

COME NOW, Plaintiffs CLARENCE L. ROBERTS and ARKYLA MILLER,
 and file this Complaint against Defendant BENTARIUS FONTA STEWART;
 Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING.; and fictitious
 defendants 1-70; individually and jointly, as follows:

GENERAL ALLEGATIONS

1. Plaintiff CLARENCE L. ROBERTS (sometimes referred to as “Mr. Roberts” or “Plaintiff”) is over the age of nineteen years and is a resident of Mobile County, Alabama.

2. Plaintiff ARKYLA MILLER (sometimes referred to as “Ms. Miller” or “Plaintiff”) is over the age of nineteen years and is a resident of Mobile County, Alabama. Further, at all times material to this Complaint, ARKYLA MILLER was married to CLARENCE L. ROBERTS, as she so remains.

3. Defendant BENTARIUS FONTA STERWART (“STEWART”) is an adult resident citizen of the State of Mississippi and was at all material times working as an agent of or employee for Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING operating a commercial truck and trailer.

4. Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING (“MK-TRUCKING”) is a corporation conducting business in Mobile County, Alabama, which operates commercial trucks and is subject to the Federal Motor Carrier Safety Regulations.

5. Defendants 1-70 are fictitious defendants whose actions or inactions caused and/or contributed to cause the injuries described in detail throughout this Complaint and suffered by Plaintiff Clarence L. Roberts. The names and true legal identities of fictitious defendants 1-70 are otherwise unknown at this time but will be substituted by amendment when ascertained.

6. On March 15, 2022 at or about 7:52 p.m., Defendant BENTARIUS FONTA STEWART, acting as agent of or employee for Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING, was operating a commercial truck and trailer owned, rented or leased by Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING when he negligently and wantonly ran a stop sign at Red Fox Road, caused said commercial truck and trailer to violently crash into the vehicle being operated by Plaintiff CLARENCE L. ROBERTS. Plaintiff CLARENCE L. ROBERTS' vehicle was dragged underneath the Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING'S trailer.

7. At the time of said crash, Plaintiff CLARENCE L. ROBERTS, was lawfully operating a 2018 Honda Accord Northbound on US-43 with the benefit of the legal right-of-way.

8. As a direct consequence of Defendant STEWART'S failure to operate the commercial truck and trailer in a safe manner, a high energy crash occurred. The crash crushed the 2018 Honda Accord being driven by Plaintiff CLARENCE L. ROBERTS, which caused him to suffer significant personal injuries.

9. For the acts and omissions set out and described herein, the law of the State of Alabama provides remedy under statutory and common law causes of action.

**FIRST CAUSE OF ACTION
(Negligence)**

10. Plaintiff incorporates here all of the allegations contained under the section GENERAL ALLEGATIONS as if set forth fully herein.

11. The serious injuries described in detail throughout this Complaint and suffered by Plaintiff CLARENCE L. ROBERTS, were proximately caused by the negligence of Defendant STEWART, including but not limited to the following:

- (a) Being distracted while driving a commercial truck and trailer;
- (b) Failing to keep a proper look-out;
- (c) Failing to maintain control of the commercial vehicle he was driving;
- (d) Failing to obey the rules of the road;
- (e) Failing to see what was there to be seen;
- (f) Failing to use reasonable care to anticipate the presence of others;
- (g) Failing to comply with the standards and regulations for operation of a commercial truck under the Federal Motor Carrier Safety Regulations;
- (h) Committing other negligent acts and omissions in the operation of a commercial truck and trailer; and
- (i) Failing to stop at a stop sign.

12. At the time of the crash made the basis of this Complaint, Defendant STEWART was acting within the scope of his employment for; with the authority of; or as an agent for Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING, by performing an act for, or an act closely related to an act which Defendant STEWART was hired or asked to perform by Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING as principal or employer.

13. As a proximate consequence of the above-described negligence of the Defendants, Plaintiff CLARENCE L. ROBERTS was caused to suffer the following injuries and damages: serious bodily harm, personal injury, traumatic brain injury, medical bills (past and future), permanent physical impairment, permanent scarring, physical pain and suffering (past and future), mental anguish, medical expenses, financial loss, inconvenience, annoyance, loss of enjoyment and quality of life (past and future) and general damages.

WHEREFORE, Plaintiff CLARENCE L. ROBERTS, seeks judgment against Defendant BENTARIUS FONTA STEWART, Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and fictitious defendants 1-10, individually and jointly, for compensatory damages, plus interest and costs, in amounts deemed appropriate by the jury.

SECOND CAUSE OF ACTION
(Wantonness)

14. Plaintiff CLARENCE L. ROBERTS incorporates all of the allegations contained in Paragraphs 1 through 13 as if set forth fully herein and further alleges as follows:

15. The serious injuries described in detail throughout this Complaint and suffered by Plaintiff CLARENCE L. ROBERTS, were proximately caused by the wantonness of Defendant STEWART, including but not limited to the following:

- (a) Being distracted while driving a commercial truck and trailer;
- (b) Failing to keep a proper look-out;

- (c) Failing to maintain control of the commercial vehicle he was driving;
- (d) Failing to obey the rules of the road;
- (e) Failing to see what was there to be seen;
- (f) Failing to use reasonable care to anticipate the presence of others;
- (g) Failing to comply with the standards and regulations for operation of a commercial truck under the Federal Motor Carrier Safety Regulations;
- (h) Committing other negligent acts and omissions in the operation of a commercial truck; and
- (i) Failing to stop at a stop sign.

16. At the time of the crash made the basis of this Complaint, Defendant STEWART was acting within the scope of his employment for; with the authority of; or as an agent for Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING, by performing an act for, or an act closely related to an act which Defendant STEWART was hired or asked to perform by Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING as principal or employer.

17. As a proximate consequence of the above-described wantonness of the Defendants, Plaintiff CLARENCE L. ROBERTS was caused to suffer the following injuries and damages: serious bodily harm, personal injury, traumatic brain injury, medical bills (past and future), permanent physical impairment, permanent scarring, physical pain and suffering (past and future), mental anguish, medical expenses,

financial loss, inconvenience, annoyance, loss of enjoyment and quality of life (past and future) and general damages.

WHEREFORE, Plaintiff CLARENCE L. ROBERTS, seeks judgment against Defendant BENTARIUS FONTA STEWART, Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and fictitious defendants 1-10, individually and jointly, for compensatory and punitive damages, plus interest and costs, in amounts deemed appropriate by the jury.

THIRD CAUSE OF ACTION
(Negligent Hiring, Retention, Monitoring and Supervision, and/or
Training)

18. Plaintiff CLARENCE L. ROBERTS incorporates all of the allegations contained in Paragraphs 1 through 17 as if set forth fully herein and further alleges as follows:

19. Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or Defendants 21-70, negligently hired; retained; trained and instructed (or failed to adequately train and instruct); or monitored and supervised (or failed to adequately monitor and supervise) Defendant STEWART and/or Defendants 1-10, and as a proximate result Plaintiff CLARENCE L. ROBERTS suffered injuries and damages.

20. The serious injuries described in detail throughout this Complaint and suffered by Plaintiff CLARENCE L. ROBERTS, were proximately caused by the

negligence of Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or Defendants 21-70, including but not limited to the following:

- (a) Negligently failing to properly or adequately educate, train and/or instruct employee, Defendant STEWART and/or fictitious defendants 1 through 10;
- (b) Negligently failing to adequately monitor, supervise and/or direct the driver of the aforesaid commercial truck involved in the incident made the basis of this lawsuit;
- (c) Negligently failing to determine whether the driver of the aforesaid commercial truck and trailer was properly qualified;
- (d) Negligently hiring and/or retaining employee or agent, Defendant STEWART and/or fictitious defendants 1 through 10;
- (e) Negligently operating, or allowing the operation of, a commercial truck and trailer by an unqualified and/or incompetent driver;
- (f) Negligently failing to institute an adequate safety program for all drivers of commercial motor vehicles utilized by Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or fictitious defendants 21-70;
- (g) Negligently failing to put in place an adequate preventative crash program for all drivers of commercial motor vehicles utilized by Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or fictitious defendants 21-70; and

(h) Negligently failing to educate said drivers in defensive driving techniques, and negligently failing to require said drivers to utilize defensive driving techniques.

21. As a proximate consequence of the above-described negligence of the Defendants, Plaintiff CLARENCE L. ROBERTS was caused to suffer the following injuries and damages: serious bodily harm, personal injury, traumatic brain injury, medical bills (past and future), permanent physical impairment, permanent scarring, physical pain and suffering (past and future), mental anguish, medical expenses, financial loss, inconvenience, annoyance, loss of enjoyment and quality of life (past and future) and general damages.

WHEREFORE, Plaintiff CLARENCE L. ROBERTS, seeks judgment against Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or fictitious defendants 21-70, individually and jointly, for compensatory damages, plus interest and costs, in amounts deemed appropriate by the jury.

FOURTH CAUSE OF ACTION
(Wanton Hiring, Retention, Monitoring and Supervision, and/or Training)

22. Plaintiff CLARENCE L. ROBERTS incorporates all of the allegations contained in Paragraphs 1 through 21 as if set forth fully herein and further alleges as follows:

23. Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or Defendants 21-70, wantonly hired; retained; trained and instructed (or failed

to adequately train and instruct); or monitored and supervised (or failed to adequately monitor and supervise) Defendant STEWART and/or Defendants 1-10, and as a proximate result Plaintiff CLARENCE L. ROBERTS suffered injuries and damages.

24. The serious injuries described in detail throughout this Complaint and suffered by Plaintiff CLARENCE L. ROBERTS, were proximately caused by the wantonness of Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or Defendants 21-70, including but not limited to the following:

- (a) Wantonly failing to properly or adequately educate, train and/or instruct employee, Defendant STEWART and/or fictitious defendants 1 through 10;
- (b) Wantonly failing to adequately monitor, supervise and/or direct the driver of the aforesaid commercial truck involved in the incident made the basis of this lawsuit;
- (c) Wantonly failing to determine whether the driver of the aforesaid commercial truck and trailer was properly qualified;
- (d) Wantonly hiring and/or retaining employee or agent, Defendant STEWART and/or fictitious defendants 1 through 10;
- (e) Wantonly operating, or allowing the operation of, a commercial truck and trailer by an unqualified and/or incompetent driver;
- (f) Wantonly failing to institute an adequate safety program for all drivers of commercial motor vehicles utilized by Defendant

UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or fictitious defendants 21-70;

(g) Wantonly failing to put in place an adequate preventative crash program for all drivers of commercial motor vehicles utilized by Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or fictitious defendants 21-70; and

(h) Wantonly failing to educate said drivers in defensive driving techniques, and negligently failing to require said drivers to utilize defensive driving techniques.

25. As a proximate consequence of the above-described wantonness of the Defendants, Plaintiff CLARENCE L. ROBERTS was caused to suffer the following injuries and damages: serious bodily harm, personal injury, traumatic brain injury, medical bills (past and future), permanent physical impairment, permanent scarring, physical pain and suffering (past and future), mental anguish, medical expenses, financial loss, inconvenience, annoyance, loss of enjoyment and quality of life (past and future) and general damages.

WHEREFORE, Plaintiff CLARENCE L. ROBERTS, seeks judgment against Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or fictitious defendants 21-70, individually and jointly, for compensatory and punitive damages, plus interest and costs, in amounts deemed appropriate by the jury.

**FIFTH CAUSE OF ACTION
(Loss of Consortium)**

26. Plaintiff ARKYLA MILLER incorporates all of the allegations contained in Paragraphs 1 through 25 as if set forth fully herein and further alleges as follows:

27. Plaintiff ARKYLA MILLER further alleges that she was the wife of Plaintiff CLARENCE L. ROBERTS at the time of the events made the basis of this suit and remains so today.

28. As a proximate consequence of the negligence and/or wantonness of Defendant BENTARIUS FONTA STEWART, Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or fictitious defendants 1-70, Plaintiff ARKYLA MILLER was caused to suffer the following injuries and damages: she was caused to lose the consortium, services, love and companionship of her husband for some period of time in the past and will be caused to lose the same services for some period of time in the future; and, in addition, she has rendered valuable nursing services to his wife during his period of convalescence, for which she should be compensated.

WHEREFORE Plaintiff ARKYLA MILLER seeks judgement against Defendant BENTARIUS FONTA STEWART, Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING and/or fictitious defendants 1-70, individually and jointly, for all such sums as the jury may assess and are recoverable by law.

PLAINTIFF RESPECTFULLY REQUESTS A TRIAL BY JURY

Andy Citrin Injury Attorneys, P.C.
Attorneys for Plaintiff

/s/ W. Bradford Kittrell
W. BRADFORD KITTRELL (KIT008)
P. O. Box 2187
Daphne, Alabama 36526
Telephone: (251) 888-8888
brad@citrinlaw.com

**THE FOLLOWING DEFENDANTS MAY BE SERVED BY CERTIFIED MAIL
AS FOLLOWS:**

BENTARIUS FONTA STEWART

105 St. Charles Street
Hazlehurst, Mississippi 39063

UNLIMITED DELIVERIES LLC d/b/a MK-Trucking

c/o Susan Berel
1308 Bienville Boulevard
Ocean Springs, MS 39564

UNLIMITED DELIVERIES LLC d/b/a MK-Trucking

c/o Kalyn Mykhaylo
6223 Hwy 90
Unit-107
Milton, Florida 32570

/s/ W. Bradford Kittrell
W. BRADFORD KITTRELL (KIT008)



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

**CLARENCE L. ROBERTS and
ARKYLA MILLER**

Plaintiffs,

v.

**BENTARIUS FONTA STEWART;
UNLIMITED DELIVERIES LLC
d/b/a MK-TRUCKING 1-70; et al,**

Defendants.

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Civil Action No.: CV-2022-
**PLAINTIFFS REQUESTS A
TRIAL BY JURY**

**PLAINTIFFS' FIRST SET OF DISCOVERY TO DEFENDANT
UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING**

Plaintiffs and propounds the following discovery to Defendant UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING in accordance with the Alabama Rules of Civil Procedure.

INSTRUCTIONS

1. You are requested to furnish all information in your possession and all information available to you, not merely such information as is of your own personal knowledge but also all knowledge that is available to you through employees, officers, directors, and agents by reasonable inquiry, including inquiry of your representatives and attorneys.

2. The term "identify" or "identified" when used with reference to a document shall mean to provide so much of the following information about said document as is known to you or reasonably ascertainable by you:

- a) The date of such document.
- b) The author of such document.
- c) The recipient of such document.
- d) All addressee(s) and the address(es) to whom the document was sent (if any).
- e) The name of the present custodian of the document.
- f) The address of the present whereabouts of the document.
- g) A detailed summary of the subject matter of such document.
- h) A complete listing of any document or recording which was attached to, referred to or was the subject matter of said document.
- i) A statement as to whether such document has ever been produced or disclosed by you.
- j) If you assert any privilege with respect to said document, a statement of the factual and legal basis for said assertion of privilege, with the same clarity and in the same detail that you would present such assertion of privilege to the court in defense of said privilege.

3. The word "document", whether used in the singular or plural, when used herein shall be interpreted in its broadest sense, and shall include any original, reproduction or copy of any kind of writing or documentary material, including without limitation, correspondence, letters, memoranda, interoffice communications, e-mail, notes, diaries, contracts, drawings, plans, specifications, fax communications, shipping records, bills of lading, minutes of meetings, invoices, billings, checks, reports, studies, articles, books, telegrams, notes of telephone conversations, computer discs, computer tapes and any other physical recordation

of any and all communications and every other means of recording or preserving any tangible information, which employs the use of letters, words, pictures, symbols or any combination thereof.

4. If you are unable to answer any of the following interrogatories or requests for production completely, you should answer to the extent possible and should state, in detail, the reason that your answer is incomplete or the reason that you are unable to answer the question(s) or produce the requested documents or records.

5. The Plaintiff(s) also hereby make a demand for the supplementation of all responses to these Interrogatories and Requests for Production as is required by Rule 26 of the Alabama Rules of Civil Procedure. Specifically, the Defendant(s) is (are) under a duty to seasonably amend a prior response if you obtain information upon the basis of which (a) you know that the response was incorrect as made, or (b) you know that the response, though correct when made, is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment. Any such supplemental response is to be filed and served upon counsel of record for the Plaintiff(s) within fifteen (15) days of receipt of such information.

6. Plaintiff(s) also ***HEREBY REQUEST THAT ALL DOCUMENTS PRODUCED IN RESPONSE TO THE FOLLOWING INTERROGATORIES AND REQUESTS FOR PRODUCTION BE BATES STAMPED; AND, FOR EACH INTERROGATORY ELICITING A RESPONSE WHICH REFERS TO ANY***

DOCUMENT THAT THE RESPONSIVE DOCUMENTS BE IDENTIFIED BY REFERRING TO THEIR RESPECTIVE BATES STAMP NUMBERS.

DISCOVERY REQUESTS

Basic Information

1. Is your name correctly stated in the Complaint filed in this action? If not, please state the correct name by which you may sue or be sued in a court of law.

RESPONSE:

2. State the full name, date of birth, social security number, residence address, and telephone number of each person participating in the answering of these discovery requests.

RESPONSE:

3. Do you have liability insurance of any type that may conceivably provide coverage relative to the allegations and events described in the Complaint?

RESPONSE:

4. If your answer to the previous request was “Yes”: Please produce complete copies of all such insurance policies, including any and all references to policy limits.

RESPONSE:

5. Do you have excess liability insurance and/or umbrella insurance of any type that may conceivably provide coverage relative to the allegations and events described in the Complaint?

RESPONSE:

6. If your answer to the previous request was “Yes”: Produce complete copies of all such excess and/or umbrella policies, including all references to policy limits.

RESPONSE:

7. Please produce complete copies of any and all insurance policies, including all references to policy limits, that provided coverage of any type or kind for: (i) the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990) and trailer that was involved in the crash made the basis of Plaintiffs’ Complaint.

RESPONSE:

8. Please provide all available dates (beginning with the nearest dates possible) on which this Defendant’s corporate representative, Defendant Bentarius Fonta Stewart and any other employees knowledgeable about the event made the basis of this action are available to give deposition testimony. NOTE: Please consider this request Plaintiffs counsel’s attempt to depose the Defendant(s) at the earliest possible opportunity.

RESPONSE:

9. Please state whether this Defendant is owned by any parent corporation. If so, please state the full and complete name and address of the parent corporation and the corporate relationship existing between this Defendant and any such parent corporation and/or subsidiary of such parent corporation.

RESPONSE:

10. Please identify each expert witness you intend to call at trial by providing the following information and/or producing the following materials:

a. State the substance of the facts and opinions to which the expert is expected to testify;

b. State the substance of the facts and opinions upon which the expert may rely in providing his or her opinions;

c. Describe the expert's qualifications, including but not limited to the expert's field of expertise, education, employment history, and teaching or instructional experience;

d. Please identify all publications written or edited by the expert;

e. State the matters for which the expert has been retained to testify in the last five years, including the identity of the individual who retained the expert, the style of the case, the court in which the case was pending, and the identity of all other attorneys involved in the case;

f. State whether the expert has prepared an oral or written report of the

expert's findings and/or conclusions;

g. Produce a current resume or curriculum vitae for the expert; and

h. Produce all documents the expert has reviewed, analyzed, relied upon, or considered in this case.

RESPONSE:

11. For all persons known to this Defendant to have any knowledge concerning the facts or circumstances surrounding the March 15, 2022 crash made the basis of Plaintiff's Complaint, please state the following with respect to each such person:

- a. First, last and middle legal name;
- b. Affiliation with this Defendant;
- c. Job title or capacity;
- d. Address and telephone number;
- e. General substance of person's knowledge.

RESPONSE:

12. Please state the name, last known address and telephone number of each person known to you who claims to have been an eye-witness to the March 15, 2022 crash made the basis of Plaintiffs Complaint.

RESPONSE:

13. Please identify all representatives (including agents, servants and/or legal counsel) of this Defendant who responded to the scene of the crash made the basis of Plaintiffs Complaint at any time within the 36 hours immediately following the crash.

NOTE: For each such individual identified, this interrogatory specifically requests the full name, last known address, last known telephone number, and all dates of employment with this Defendant.

RESPONSE:

14. Please produce all incident reports and/or accident reports generated, created and/or obtained by this Defendant that relate in any way to the March 15, 2022 crash made the basis of Plaintiffs Complaint.

RESPONSE:

15. Please produce all audio recordings in the possession, custody or control of this Defendant (including but in no way limited to calls from the drivers to the company and/or in-cab recordings) that relate in any way to the March 15, 2022 crash made the basis of Plaintiffs Complaint.

RESPONSE:

16. Please produce color copies of all photographs and/or video recordings (including but not limited to surveillance video) that show any part of the events leading up to, culminating in and/or following the March 15, 2022 crash made the

basis of Plaintiffs Complaint.

RESPONSE:

17. Please produce color copies of all photographs and/or video recordings that are in this Defendant's possession (including the constructive possession of employees, agents, or representatives of this Defendant) or control, and that reflect: (i) the scene of the crash as it existed at any time on or after March 15, 2022; and/or (ii) any of the vehicles, trailers, loads, and/or component parts involved in the incident at any time on or after March 15, 2022.

RESPONSE:

18. State specifically and in detail your understanding of exactly how the crash referred to in Plaintiffs Complaint occurred.

RESPONSE:

Vehicles, Equipment, Data, etc.

19. Please produce the results, printouts, information and/or documents of any electronic data obtained from the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990) involved in the March 15, 2022 crash described in Plaintiff's Complaint, and that relates to data recordings made at any point from 30 minutes prior to the crash to 5 minutes after the impact. NOTE: This request specifically includes such information and materials from any electronic control device (ECD),

electronic data recorder (EDR), onboard electronic devices, any GPS systems, any remote tracking devices, any remote computer systems and/or any software systems of any type or kind.

RESPONSE:

20. Please produce all documents, computer printouts, electronic data and/or electronic reports generated, created, printed, obtained and/or otherwise obtainable by this Defendant that show the speed, braking input, steering input, location, and/or change in velocity of this Defendant's truck that was involved in the March 15, 2022 crash described in Plaintiffs Complaint, during the time-period from 30 minutes prior to the crash to 5 minutes after the impact.

RESPONSE:

21. Please identify all GPS location equipment either on-board or otherwise tracking the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990) as of March 15, 2022.

RESPONSE:

22. Please identify all equipment, software, technology and/or services that this Defendant used as of March 15, 2022 to track the location and/or vehicle characteristics (e.g., engine output, RPMs, braking, fuel consumption, speed, crash occurrence, hard braking, etc.) of the 2021 Kenworth truck (VIN:

1XKYDP9X8MJ451990).

RESPONSE:

23. Did this Defendant have any video recording devices and/or driver cams installed in the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990)?

RESPONSE:

24. If your answer to the previous request was “Yes”: Please produce all unedited video from 30 minutes prior to the impact to 60 minutes after the impact.

RESPONSE:

25. Please identify all equipment, software, technology and/or services that this Defendant used as of March 15, 2022, to communicate with the drivers and/or passengers of the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990).

RESPONSE:

26. Please identify the owner of the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990) involved in the March 15, 2022 crash.

RESPONSE:

27. With respect to the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990) involved in the March 15, 2022 crash, please state the following:

- a. The point of origin in transit at the time of the crash.
- b. The time and location of all stops at any intermediate points prior to the March 15, 2022 crash.

RESPONSE:

28. Please produce all ownership and registration records that relate to the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990) that was involved in the March 15, 2022 crash.

RESPONSE:

29. Please produce all “documents” that relate to any inspection (including but not limited to pre-trip inspections, maintenance inspections and/or safety inspections) of the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990) for the time period of 180 days prior to the crash, the day of the crash, and the 10 days following the crash.

RESPONSE:

30. Please produce all “documents” that relate to any maintenance recommended and/or performed relative to the 2021 Kenworth truck (VIN: 1XKYDP9X8MJ451990) for the time period of 180 days prior to the crash, the day of the crash, and the 10 days following the crash.

RESPONSE:

Training Materials, Company Handbooks, etc.

31. Please produce all “documents” that constitute or reflect in any way the policies and/or procedures that this Defendant had in place as of March 15, 2022.

RESPONSE:

32. Please produce all training materials of any type whatsoever (including but in no way limited to computer-based training, DVDs, videos, and/or third-party training) used by this Defendant during the 5 years preceding the March 15, 2022 crash described in Plaintiff’s Complaint.

RESPONSE:

33. Please produce all driver handbooks and/or employee handbooks and/or driver manuals and/or company policy handbooks used by this Defendant during the 5 years preceding the March 15, 2022 crash described in Plaintiff’s Complaint.

RESPONSE:

34. Please produce a complete exemplar of all materials or “documents” that this Defendant instructed its employees to keep in their vehicles or otherwise provided its employees to keep in their vehicles (including but in no way limited to an accident investigation kit).

RESPONSE:

Bentarius Fonta Stewart

35. Please state the following with respect to BENTARIUS FONTA STEWART'S employment:

- a. The name of the business entity who employed him as of March 15, 2022.
- b. His date of hire and termination with this Defendant.
- c. All titles or positions he held with this Defendant and the associated date range(s).
- d. His specific duties and responsibilities as of March 15, 2022.
- e. His supervisor as of March 15, 2022.

RESPONSE:

36. Please produce all training materials of any type whatsoever provided by this Defendant to BENTARIUS FONTA STEWART at any time during his employment.

RESPONSE:

37. Please produce the complete training file and complete personnel file of BENTARIUS FONTA STEWART as it relates to his employment with this Defendant, including any and all materials ever removed from such file(s) at any point for any reason.

RESPONSE:

38. Please produce the complete "driver qualification file" of BENTARIUS FONTA

STEWART as it relates to his employment with this Defendant, including any and all materials ever removed from such file(s) at any point for any reason.

RESPONSE:

39. Please produce any and all documents that relate in any way whatsoever to any drug-testing and/or alcohol-testing that was performed on BENTARIUS FONTA STEWART at any time during his employment with this Defendant.

RESPONSE:

40. Please produce all Driver Logs that relate in any way to the driving that BENTARIUS FONTA STEWART performed as part of his employment with this Defendant during:

- a. The 180 days preceding the March 15, 2022 crash;
- b. The day of the crash;
- c. The 30 days following the March 15, 2022 crash.

RESPONSE:

41. Please produce all “documents” that relate to BENTARIUS FONTA STEWART trip reports (including all daily log summaries) for the 60 days prior to March 15, 2022

RESPONSE:

42. Please identify the cell phone number and service provider for each and every cell phone that BENTARIUS FONTA STEWART had in his possession as of March 15, 2022.

RESPONSE:

43. Produce for download and inspection Defendant BENTARIUS FONTA STEWART'S personal and/or business device(s) or cellular phone(s) that he had in possession at the time of the crash even made the basis of this suit. This will include the download of all data, history and/or logs for messaging applications, text messages, phone usage and social media accounts for March 15, 2022.

RESPONSE:

44. Please produce all "documents" reflecting any type of call-in records (including but not limited to emails, phone messages, memos) relative to BENTARIUS FONTA STEWART'S performing duties for this Defendant at any time during 30 days preceding the crash.

RESPONSE:

45. Please produce a color copy of all driver licenses and/or commercial driver licenses held by BENTARIUS FONTA STEWART as of March 15, 2022

RESPONSE:

46. Please produce all payroll records relative to BENTARIUS FONTA STEWART'S performing duties and/or training for this Defendant at any time during the 30 days preceding the crash.

RESPONSE:

47. Please produce complete copies of all written agreements entered between BENTARIUS FONTA STEWART and this Defendant at any time.

RESPONSE:

48. Please produce all written warnings issued by this Defendant to BENTARIUS FONTA STEWART relative to employment with this Defendant.

RESPONSE:

49. Please produce all reports of careless or unsafe driving received by this Defendant relative to BENTARIUS FONTA STEWART'S employment with this Defendant.

RESPONSE:

50. Please produce all "documents" in your possession, custody or control pertaining to any "investigation and inquiries" made by and/or on behalf of this Defendant pursuant to 49 C.F.R. Section 391.23 regarding BENTARIUS FONTA STEWART.

RESPONSE:

51. Please identify and produce any and all policies, procedures and/or regulations regarding the allowance and/or preclusion of animals in the commercial cabs of your trucks.

RESPONSE:

52. Please identify and produce any and all incidents and/or reprimands involving this Defendant's employees keeping animals in the commercial cabs of your trucks.

RESPONSE:.

Other

53. Please produce all safety flyers, safety bulletins, safety memos or any other "documents" of any type that were circulated by this Defendant to its employees as a result of the March 15, 2022 crash described in Plaintiffs Complaint.

RESPONSE:

54. Please identify the Safety Director (or the person chiefly responsible for safety) at this Defendant's business at all times during the 5 years preceding the March 15, 2022 crash described in Plaintiffs Complaint.

RESPONSE:

55. Describe in detail the method of calculating the pay, compensation, wages,

salary, bonus, or commission of the driver of the vehicle involved in the collision during the calendar year which included the date of the collision.

RESPONSE:

56. Please produce all “documents” in this Defendant’s possession, custody or control that relate in any way to post-crash drug and/or alcohol and/or toxicology testing performed following the March 15, 2022 crash described in Plaintiffs Complaint.

RESPONSE:

57. Has this Defendant undertaken any subsequent remedial measures as a result of the subject incident as described in Plaintiffs Complaint? If your answer to the previous request was “Yes”: Please:

- a. Describe in detail what measures were undertaken.
- b. Identify the person(s) responsible for implementing the measures.
- c. State the purpose or rational for implementing the measures.
- d. Produce all documents of any kind whatsoever relating to the measures.
- e. Produce all photographs of any kind whatsoever relating to the measures.

RESPONSE:

58. Do you contend that the act or acts of any party other than the Defendant(s) in any way caused and/or contributed to the incident made the basis of this suit?

a. If so, please state the full name and last known address of such other party and describe in detail the act or acts of such other party which you contend caused and/or contributed to the incident made the basis of this suit.

b. Please produce all documents, photographs, video and/or other materials that you contend support your contention.

RESPONSE:

59. Please produce all indemnification agreements to which this Defendant is a party (or which relate to this Defendant in any way) with respect to claims alleged in Plaintiffs Complaint.

RESPONSE:

60. Please identify all documents that are responsive to any of the requests set out herein but that you contend have been lost and/or destroyed.

RESPONSE:

61. Please identify all documents that are responsive to any of the requests set out herein but that you have withheld on the basis of some privilege.

RESPONSE:

62. Have any claims of any type or kind (including but not limited to insurance claims, complaints, lawsuits, and/or direct claims) been made known to you or been brought to your attention during the period from January 1, 2017 to present, arising from allegations that one of this Defendant's drivers caused a crash, injured and/or killed any person(s), and/or damage a vehicle in any way whatsoever.

RESPONSE:

63. If your answer to the previous request was "Yes": Please:

A. Identify the date, time, location, driver (by name and last known address), general circumstances for each such claim.

B. Produce all incident reports generated, created, and/or obtained by this Defendant (including employees, agents, or representatives of this Defendant) that relate to each such claim.

RESPONSE:

64. Please produce all documents that this Defendant receives in response to all non-party subpoenas issued by this Defendant in this case. NOTE: Please consider this request ongoing in nature and subject to the requirements to supplement detailed in Rule 26, Ala. R. Civ. P.

RESPONSE:

Andy Citrin Injury Attorneys, P.C.
Attorneys for Plaintiffs

/s/ W. Bradford Kittrell

W. BRADFORD KITTRELL (KIT008)

P. O. Box 2187

Daphne, Alabama 36526

Telephone: (251) 888-8888

brad@citrinlaw.com

TO BE SERVED WITH THE COMPLAINT.



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

**CLARENCE L. ROBERTS and
ARKYLA MILLER**

Plaintiffs,

v.

**BENTARIUS FONTA STEWART;
UNLIMITED DELIVERIES LLC
d/b/a MK-TRUCKING 1-70; et al,**

Defendants.

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Civil Action No.: CV-2022-
**PLAINTIFFS REQUESTS A
TRIAL BY JURY**

NOTICE OF VIDEO DEPOSITION AND DUCES TECUM REQUEST

**PURUSANT TO RULE 30(b)(5) AND (6) OF THE
ALABAMA RULES OF CIVIL PROCEDURE**

TO: All Counsel of Record

**DEPONENT: UNLIMITED DELIVERIES LLC d/b/a MK-
TRUCKING 30(b)(6) Corporate Representative(s)**

DATE: TBD

TIME: TBD

LOCATION: TBD

**COURT REPORTER
& VIDEOGRAPHER: Mobile Bay Reporting
110 Dauphin St.
Mobile, AL 36602**

**RULE 30(b)(5) & (6) NOTICE OF VIDEO DEPOSITION AND DUCES TECUM
TO UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING.**

TO ALL PARTIES AND their ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, as agreed upon by the parties and pursuant to Alabama
Rule of Civil Procedure 30(b)(5) and (6), Plaintiff will take the oral deposition

of **UNLIMITED DELIVERIES LLC d/b/a MK-TRUCKING** (“MK-TRUCKING”) regarding the subjects listed below, commencing on TBD.

The video deposition shall be taken before an officer authorized by law to administer oaths and shall be recorded stenographically. The deposition(s) noticed herein will continue from time to time thereafter until completed.

PLEASE TAKE FURTHER NOTICE that, pursuant to Alabama Rule of Civil Procedure 30(b)(5) & (6), Unlimited Deliveries LLC d/b/a MK-Trucking is required to produce documents and designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and whom Unlimited Deliveries LLC d/b/a MK-Trucking, will fully prepare to testify regarding all information that is known or reasonably available to Unlimited Deliveries LLC d/b/a MK-Trucking organization regarding the following designated matters:

1. The vehicles involved in this crash on March 15, 2022.
2. The Defendant’s fleet of vehicles and total number of road miles traveled per year.
3. Any permits or licenses covering the vehicle on the date of the crash.
4. Bentarius Fonta Stewart’s daily logs for the day of the crash and the Unlimited Deliveries LLC d/b/a MK-Trucking month period preceding, together with all material required by 49 C.F. R. 396.8 and 395.15. This specifically includes Electronic On Board Records and Automatic On Board Recording Device records, wherever stored, together with appropriate audit trails. We require you put any vendor that hosts or stores this data for you on notice of the need to preserve this data.
5. All existing driver vehicle inspection reports required under 49 C.F.R. 396.11 for the commercial vehicle involved in this crash.
6. All existing daily inspection reports for the commercial truck involved in this crash.
7. All existing maintenance, inspection and repair records or work orders on the commercial truck involved in this crash.
8. All annual inspection reports for the commercial truck covering the date of this crash.
9. Bentarius Fonta Stewart’s complete driver’s qualification file, as required by 49 C.F.R. 391.51, including but not limited to:

- a) Application for employment
 - b) CDL license
 - c) Driver's certification of prior accidents
 - d) Driver's employment history
 - e) Inquiry into driver's employment history
 - f) Annual MVR
 - g) Annual review of driver's history
 - h) Certification of road test
 - i) Drug testing records
 - j) Loading and unloading training documents
10. Photographs, video, computer generated media, or other records of the interior and exterior of the commercial truck involved in this crash, the scene of the accident, the crash, or relating to any equipment or things originally located at or near the site of the crash.
 11. Bentarius Fonta Stewart's post-accident alcohol and drug testing results.
 12. Any lease contracts or agreements covering the commercial truck involved in this crash.
 13. Any interchange agreements regarding the commercial truck involved in this crash.
 14. Any data and printout from on-board recording devices, including, but not limited to the electronic control module, any onboard computer, tachograph, trip monitor, trip recorder, trip master or other record or tracking device for the day of the crash and the Unlimited Deliveries LLC d/b/a MK-Trucking (6) months preceding the crash of the equipment involved in the crash.
 15. Any post-crash maintenance, inspection, or repair records or invoices in regard to the commercial truck.
 16. Any weight tickets, fuel receipts, hotel bills, tolls, or other records of expenses, regardless of type, regarding Bentarius Fonta Stewart's, or the commercial truck involved in this crash for the day of the crash and the thirty (30) days preceding the crash.
 17. Any trip reports, dispatch records, trip envelopes regarding Bentarius Fonta Stewart or the commercial truck involved in this crash and thirty (30) days preceding the crash.
 18. Any e-mails, electronic messages, letters, memos, or other documents concerning this crash.
 19. The accident register maintained by the motor carrier as required by federal law for the one (1) year preceding this crash.
 20. Any drivers' manuals, guidelines, rules or regulations given to drivers such as Bentarius Fonta Stewart.

21. Any reports, memos, notes, logs, or other documents of evidence complaints about Bentarius Fonta Stewart.
22. Any DOT or PSC reports, memos, notes or correspondence concerning Bentarius Fonta Stewart or the commercial truck in this crash.
23. Any downloadable computer data from the commercial truck's computer system.
24. The pre-trip inspection report completed by Bentarius Fonta Stewart.
25. All OmniTRAC, Qualcomm, MVPc, QTRACS, OmniExpress, TruckMail, TrailerTRACS, SensorTRACS, JTRACS, and other similar systems data for the Unlimited Deliveries LLC d/b/a MK-Trucking (6) months prior to the crash for Bentarius Fonta Stewart or the commercial truck involved in this crash.
26. All settlement sheets and expense sheets for Bentarius Fonta Stewart and Unlimited Deliveries LLC d/b/a MK-Trucking for the day of this crash and thirty (30) days prior to the date of the crash as well as the day of the crash.
27. Vehicle pickup or delivery orders prepared by motor carriers, brokers, shippers, receivers, driver, or other persons or organizations for thirty (30) days prior to the date of the crash as well as the day of the crash.
28. All reprimand, counseling, training, etc., if any, directed toward Bentarius Fonta Stewart as a result of the subject crash.
29. Any other items associated in any way with the crash, documents, database, or other piece of evidence concerning or referencing the driver, the crash, and the commercial truck.
30. The entire personnel file of the driver, Bentarius Fonta Stewart.
31. Any and all communications via CB radio, mobile or satellite communication systems, email, cellular phone, pager or other in cab communication device to include the bills for the devices for the date before, the day of, and the two days after the crash.
32. Any and all computer, electronic, or e-mail messages created in the first forty-eight hours immediately after the crash, by and between your company and any agents or third parties relating to the facts, circumstances, or actual investigation of the crash, as well as any computer messages that relate to this particular crash, whether generated or received.
33. If not previously listed, all documents and supporting documents required by Federal Motor Carrier Safety Regulation 395.8, specifically those items identified in the Department of Transportation's interpretation of the regulation in its answer to question 9.
34. The results of all investigations, including internal investigations, as to how this crash occurred and to the specific cause(s) of the crash, as well as all other findings.

35. The substance and basis for Defendant's Interrogatory responses.
36. All reasons for Bentarius Fonta Stewart termination from Defendant's employ, if Bentarius Fonta Stewart was terminated.
37. Bentarius Fonta Stewart's driving history, including prior and subsequent moving violations as well as prior and subsequent crashes, as well as all efforts made by Defendant to investigate the same prior to the subject crash.
38. Bentarius Fonta Stewart's criminal history, as well as all efforts made by Defendant to investigate the same prior to the subject crash.
39. Logbooks associated with Bentarius Fonta Stewart for the date of the crash as well as the thirty days prior.
40. Logbooks associated with the subject vehicle for the date of the crash as well as the thirty days prior.
41. Bentarius Fonta Stewart's prior experience as a commercial truck driver or other professional driving experience Mr. Stewart possessed before the subject crash, as well as all efforts made by Defendant to investigate the same prior to the subject crash.
42. All memorandum, emails, notes and/or documents that in any way relate to the subject crash, Defendant's investigation of the subject crash, and Bentarius Fonta Stewart's reprimand, if any, including termination.
43. All affirmative defenses asserted by you.
44. The results of all investigations related to this crash.
45. All witnesses, statements, emails, memorandums, correspondence and other documents that in any way relate to the subject crash.
46. Testimony and documents regarding training and company policies regarding all dispatch communications, whether via cell phone, company phone, Radio or otherwise between Unlimited Deliveries LLC d/b/a MK-Trucking and its drivers.
47. Testimony and documents regarding all company policies and procedures, training manuals, employee handbooks, Rules and Regulations and job descriptions regarding the position of dispatcher between Unlimited Deliveries LLC d/b/a MK-Trucking and its drivers.

Andy Citrin Injury Attorneys, P.C.

Attorneys for Plaintiffs

/s/ W. Bradford Kittrell

W. BRADFORD KITTRELL (KIT008)

P. O. Box 2187

Daphne, Alabama 36526

Telephone: (251) 888-8888

brad@citrinlaw.com

TO BE SERVED WITH THE COMPLAINT.



ELECTRONICALLY FILED
4/7/2022 9:17 AM
02-CV-2022-900548.00
CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
JOJO SCHWARZAUER, CLERK

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

**CLARENCE L. ROBERTS and
ARKYLA MILLER**

Plaintiffs,

v.

**BENTARIUS FONTA STEWART;
UNLIMITED DELIVERIES LLC
d/b/a MK-TRUCKING 1-70; et al,**

Defendants.

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Civil Action No.: CV-2022-
PLAINTIFFS REQUESTS A
TRIAL BY JURY

NOTICE OF VIDEO DEPOSITION OF BENTARIUS FONTA STEWART

DATE: TBD

TIME: TBD

DEPONENT: BENTARIUS FONTA STEWART

LOCATION: TBD

COURT REPORTER: Mobile Bay Reporting
VIDEOGRAPHER: 110 Dauphin St.
Mobile, AL 36602

Please take notice that Andy Citrin Injury Attorneys P.C., Attorneys for Plaintiffs will take the video deposition of the deponent named above, at the time, date, and location indicated above, upon oral examination, pursuant to the Alabama Rules of Civil Procedure, before the above-named Notary Public, or before some other officer duly authorized by law to administer oaths and swear witnesses in said County and State. Said deposition will continue from day to day until completed and you are invited to attend if you so desire.

Andy Citrin Injury Attorneys, P.C.

Attorneys for Plaintiffs

/s/ W. Bradford Kittrell

W. BRADFORD KITTRELL (KIT008)

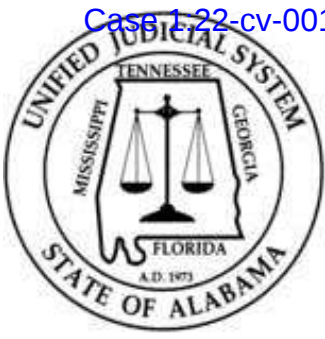
P. O. Box 2187

Daphne, Alabama 36526

Telephone: (251) 888-8888

brad@citrinlaw.com

TO BE SERVED WITH THE COMPLAINT.



AlaFile E-Notice

02-CV-2022-900548.00

To: William Bradford Kittrell
brad@citrinlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

CLARENCE L. ROBERTS ET AL V. BENTARIUS FONTA STEWART ET AL
02-CV-2022-900548.00

The following complaint was FILED on 4/7/2022 9:17:26 AM

Notice Date: 4/7/2022 9:17:26 AM

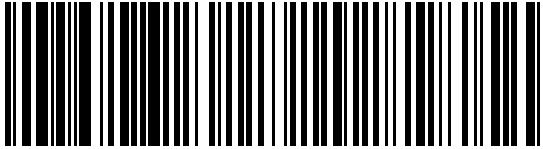
JOJO SCHWARZAUER
CIRCUIT COURT CLERK
MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

251-574-8420
charles.lewis@alacourt.gov



CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

USPS CERTIFIED MAIL



9214 8901 7301 4102 2200 0427 74

02-CV-2022-900548.00

To: BENTARIUS FONTA STEWART
105 ST. CHARLES STREET
HAZLEHURST, MS 39063

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

CLARENCE L. ROBERTS ET AL V. BENTARIUS FONTA STEWART ET AL
02-CV-2022-900548.00

The following complaint was FILED on 4/7/2022 9:17:26 AM

Notice Date: 4/7/2022 9:17:26 AM

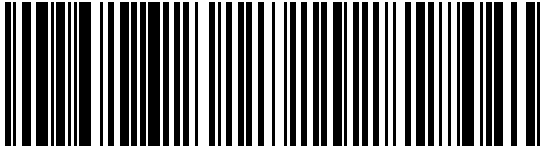
JOJO SCHWARZAUER
CIRCUIT COURT CLERK
MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL 36644

251-574-8420
charles.lewis@alacourt.gov



CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

USPS CERTIFIED MAIL



9214 8901 7301 4102 2200 0427 81

02-CV-2022-900548.00

To: UNLIMITED DELIVERIES LLC D/B/A MK-TRUCKING
C/O SUSAN BEREL
1308 BIENVILLE BLVD.
OCEAN SPRINGS, MS 39564

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

CLARENCE L. ROBERTS ET AL V. BENTARIUS FONTA STEWART ET AL
02-CV-2022-900548.00

The following complaint was FILED on 4/7/2022 9:17:26 AM

Notice Date: 4/7/2022 9:17:26 AM

JOJO SCHWARZAUER
CIRCUIT COURT CLERK
MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL 36644

251-574-8420
charles.lewis@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 02-CV-2022-900548.00
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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA
CLARENCE L. ROBERTS ET AL V. BENTARIUS FONTA STEWART ET AL

NOTICE TO: BENTARIUS FONTA STEWART, 105 ST. CHARLES STREET, HAZLEHURST, MS 39063
(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),
 William Bradford Kittrell
(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: P.O. BOX 2187, Daphne, AL 36526
(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of CLARENCE L. ROBERTS
(Name(s))
 pursuant to the Alabama Rules of the Civil Procedure.

04/07/2022 /s/ JOJO SCHWARZAUER By: _____
(Date) (Signature of Clerk) (Name)

☒ Certified Mail is hereby requested. /s/ William Bradford Kittrell
(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____
(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
 _____ in _____ County,
(Name of Person Served) (Name of County)

Alabama on _____
(Date)

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Server's Printed Name)

(Phone Number of Server)

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 02-CV-2022-900548.00
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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA
CLARENCE L. ROBERTS ET AL V. BENTARIUS FONTA STEWART ET AL

NOTICE TO: UNLIMITED DELIVERIES LLC D/B/A MK-TRUCKING, C/O SUSAN BEREL 1308 BIENVILLE BLVD., OCEAN SPRINGS, MS 39564

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),
 William Bradford Kittrell

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: P.O. BOX 2187, Daphne, AL 36526

[Address(es) of Plaintiff(s) or Attorney(s)]

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of CLARENCE L. ROBERTS
 pursuant to the Alabama Rules of the Civil Procedure. *[Name(s)]*

04/07/2022 /s/ JOJO SCHWARZAUER By: _____
(Date) *(Signature of Clerk)* *(Name)*

☒ Certified Mail is hereby requested. /s/ William Bradford Kittrell
(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____
(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
 _____ in _____ County,
(Name of Person Served) *(Name of County)*

Alabama on _____
(Date)

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Server's Printed Name)

(Phone Number of Server)



April 11, 2022

Dear Circuit Clerk:

UJS Information

Case Number: 02-CV-2022-900548.00
Document Type: Complaint
Restricted Delivery Requested: No

Intended Recipient:
UNLIMITED DELIVERIES LLC D/B/A MK-TRUCKING (DO
C/O SUSAN BEREL
1308 BIENVILLE BLVD.
OCEAN SPRINGS, MS 39564

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 7301 4102 2200 0427 81.

Item Details


Status: Delivered, Front Desk/Reception/Mail Room
Status Date / Time: April 11, 2022, 11:14 am
Location: OCEAN SPRINGS, MS 39564
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

Shipment Details

Weight: 9.0oz

Recipient Signature

Signature of Recipient:

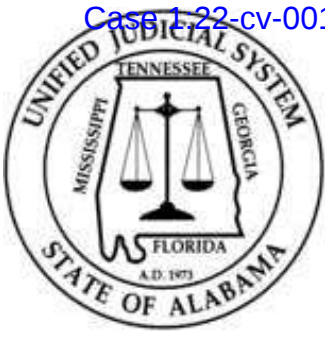

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1308
Bienville Blvd

Address of Recipient:

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Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004



AlaFile E-Notice

02-CV-2022-900548.00

Judge: JAMES T. PATTERSON

To: KITTRELL WILLIAM BRADFORD
brad@citrinlaw.com

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

CLARENCE L. ROBERTS ET AL V. BENTARIUS FONTA STEWART ET AL
02-CV-2022-900548.00

The following matter was served on 4/11/2022

D002 UNLIMITED DELIVERIES LLC D/B/A MK-TRUCKING

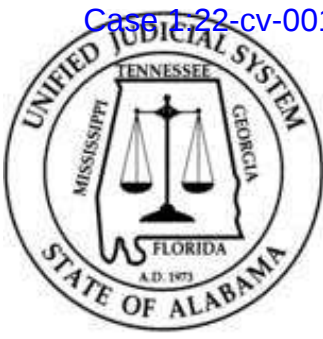
Corresponding To

CERTIFIED MAIL

ELECTRONIC CERTIFIED MAIL RETURN

JOJO SCHWARZAUER
CIRCUIT COURT CLERK
MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

251-574-8420
charles.lewis@alacourt.gov



AlaFile E-Notice

02-CV-2022-900548.00

Judge: JAMES T. PATTERSON

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brad@citrinlaw.com

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AlaFile E-Notice

02-CV-2022-900548.00

Judge: JAMES T. PATTERSON

To: STEWART BENTARIUS FONTA (PRO SE)
105 ST. CHARLES STREET
HAZLEHURST, MS, 39063-0000

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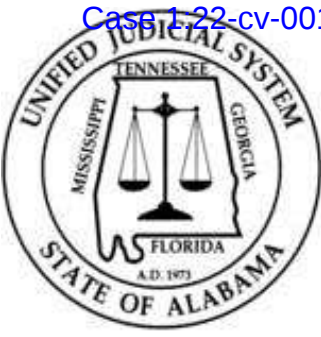
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charles.lewis@alacourt.gov



April 11, 2022

Dear Circuit Clerk:

UJS Information

Case Number: 02-CV-2022-900548.00
Document Type: Complaint
Restricted Delivery Requested: No

Intended Recipient:
BENTARIUS FONTA STEWART (D001)
105 ST. CHARLES STREET
HAZLEHURST, MS 39063

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Item Details

Status: Delivered, Left with Individual
Status Date / Time: April 11, 2022, 4:18 pm
Location: HAZLEHURST, MS 39083
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

Shipment Details

Weight: 9.0oz

Recipient Signature

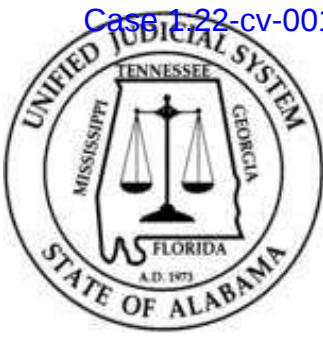
Signature of Recipient:

Address of Recipient:

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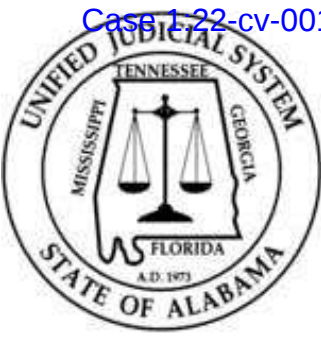
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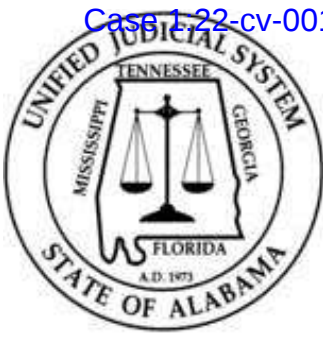
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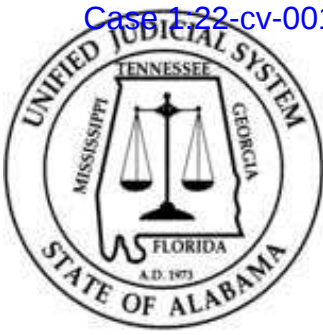
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**PRETRIAL ORDER: JURY AND NON-JURY CASES
IN THE CIRCUIT COURT OF MOBILE COUNTY
BEFORE JUDGE JAMES T. PATTERSON**

In all pending cases before Judge Patterson, the following Pretrial Order will apply. This Order is in addition to the Fast Track Order or General Pretrial Order that may be filed with this case. To the extent this Pretrial Order conflicts with the Fast Track or the General Order, this Pretrial Order is the governing Order.

Counsel and their support staff please pay particular note to parts 9 and 15 below regarding AlaFile requirements and proposed orders.

Fast Track Order:

1. If any party objects to inclusion in the Fast Track System, the Court requires the party to file a Motion to Exclude along with a Proposed Scheduling Order. (See ¶ 9 below). At a minimum, the Proposed Scheduling Order must provide a proposed trial date (or month), the length of the trial, dispositive motion cut-off dates (see ¶ 5 below), factual discovery cut-off dates, expert discovery cut-off dates, and any limitations on discovery or exhibits. If the parties cannot agree on a Scheduling Order, the Court will conduct a Rule 16 conference to finalize one.
2. If case remains in the Fast Track system, the Court expects the parties to comply with the time constraints set forth in that Order. Once a party files a Motion to Set the Matter for Trial and a Certificate of Readiness, the Court will grant the motion, subject to any objection, and assign the case to a mediator to be mediated within 60 days. If the mediation is unsuccessful, the parties are required to file a report and the Court will assign a trial date.
3. If the parties anticipate that preparing for trial will take more than eighteen months, the parties must file a motion for a Rule 16 conference.

All Jury Trial Cases:

4. If at any time while the action is pending either party anticipates that the jury trial will take more than 5 days, that party must file a motion for a Rule 16 conference.
5. The Court requires any dispositive motion to be filed at least 4 weeks before trial unless otherwise agreed to by the parties. Any dispositive motion filed after this deadline will not be considered before trial.
6. The Court will conduct a Pretrial Conference approximately ten days prior to the trial setting. The attorney(s) who will be trying the case must attend the Pretrial Conference. The Court will issue a pretrial order after the conference addressing exchange of pre-marked exhibits, witness lists, jury charges, deposition testimony use

and other procedural trial issues.

7. All Motions to Strike and Motions in Limine must be filed at least 4 weeks before the start of trial. The Court will set these motions for a hearing at the pre-trial conference referenced in part 6 above. The Court will not hear any motions filed after this deadline unless for good cause shown.

All Cases:

8. All pleadings and evidentiary support must be e-filed. The Court will not accept paper-filed pleadings unless the Court has given counsel prior written permission.

9. **Motions must be accompanied with a proposed order properly uploaded into AlaCourt as a "proposed order."** The Court cautions the attorneys that when e-filing proposed orders, the proposed order cannot be filed within the body of the motion or as an "attachment" or an "exhibit" to the pending motion. It must be filed as a "proposed order." If the attorneys experience difficulty with this, see

<User Manual at www.alacourt.gov/pdfppt/alafileUserManual.pdf>

10. Motions for service by publication must be properly supported by an affidavit setting forth the facts averring avoidance of service. See Fisher v. Amaraneni, 565 So. 2d 84 (Ala. 1990); Wagner v. White, 985 So. 2d 458 (Ala. Civ. App. 2007).

11. Prior to requesting a continuance for a motion or trial setting, the requesting party must confer with opposing counsel and indicate the result of the conference in the Motion to Continue.

12. Counsel must confer the night before or the morning of a scheduled hearing on any discovery dispute and attempt to resolve the discovery dispute or narrow down the disputed issues. As a general rule, this Court highly disfavors unsupported "boilerplate" objections such as the request is irrelevant, vague, ambiguous, overly broad, unduly burdensome, or unlikely to lead to the discovery of admissible evidence. Objections to a discovery request must be specific and supported by detailed explanation of why the discovery request is improper. Ex Parte Dorsey Trailers Inc., 397 So. 2d 98 (Ala. 1981). Further, answering a discovery request subject to or reserving a general objection will be deemed a waiver of that objection. See Wright, Miller & Marcus, Fed Prac & Proc, Civil §2173 ("A voluntary answer to an interrogatory is also a waiver of the objection.").

13. Protective Orders containing provisions to seal court records and motions to seal court filings must be set for a hearing during which the party requesting to seal the records must provide clear and convincing evidence that the documents should be sealed. See Holland v. EADS, 614 So. 2d 1012 (Ala 1993).

14. The Court may request the parties e-mail proposed orders on certain issues directly to the Court. Any proposed orders sent to the Court through e-mail must be attached as a ".doc" in Microsoft Word format and counsel for opposing parties must copied on the e-mail.

15. Only documents filed as a "motion" appear in the Court's motion queue for review because of the nature of the Alacourt system. Documents filed as "other," "miscellaneous," "discovery," or "amended complaint/answer" (such as stipulations of dismissal, notice of removal, etc.) will appear in the case action summary sheet, but the Court has no notice that such a document has been filed. **If Court action is required in conjunction any pleadings, it needs to be filed as a "motion."**

Additional Rules Applicable to Workers Compensation Cases:

16. The parties must notify the Court when the plaintiff is at Maximum Medical Improvement. All cases will be mediated prior to trial on the merits and then set for trial within 90 days of notification of an unsuccessful mediation.

17. Motions to Compel filed where liability is disputed will be treated as a Request for Trial on the merits on liability only.

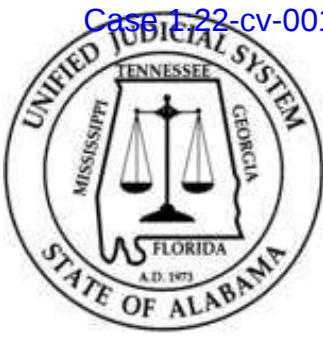
18. At the close of evidence in any case, the Court will request the parties submit through e-mail proposed Findings of Fact and Conclusions of Law to the Court. (See ¶ 14 above).

Additional Rules Applicable to Non-Jury Account Collection, Contract, Ejectment, and "Other" Similar Cases:

19. Service shall be perfected within 120 days or the case will be dismissed. Motions to Extend the Time for Service must be accompanied by an affidavit about service attempts and a proposed order. See ¶ 9 above. Motion for service by publication must be properly supported. See ¶ 10 above.

20. Once the Defendant(s) is served and fails to answer, the Court expects dispositive motions to be filed within 90 days of service. Motions for default must be supported appropriately and a proposed order filed. See ¶ 9 above. See Thomas v. American Express Bank, FSB, 139 So. 3d 809 (Ala. Civ. App. 2013).

21. Once the Defendant(s) is served and answers, the Court expects either a dispositive motion such as summary judgment or a request to set the case for trial within 90 days of the answer.



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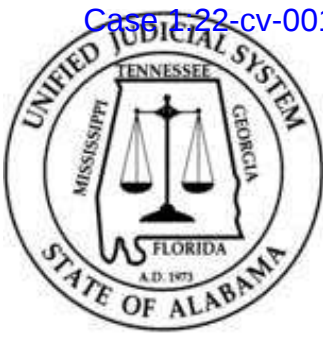
CLARENCE L. ROBERTS ET AL V. BENTARIUS FONTA STEWART ET AL
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The following matter was FILED on 4/12/2022 3:12:03 PM

Notice Date: 4/12/2022 3:12:03 PM

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MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

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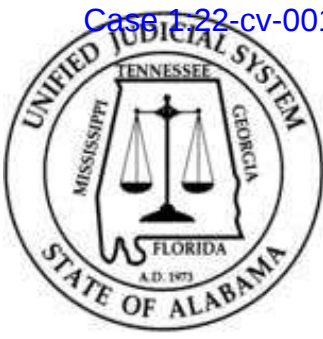
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